



SPEECH

OF

MR. J. S. JOHNSTON, of Lou.

ON THE BILL TO REGULATE

THE COMMERCIAL INTERCOURSE

BETWEEN

THE UNITED STATES AND THE BRITISH COLONIES:

DELIVERED IN THE SENATE OF THE UNITED STATES,

FEBRUARY 23, 1827.

WASHINGTON :

PRINTED BY GALES & SEATON.

1827.

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30 Sept 1845
Mr. JOHNSTON said the bill under discussion, reported by the Committee of Commerce, proposes to interdict the intercourse between this country and the British ports in her North American possessions, and West India and other Colonies, after the 30th September next, provided Great Britain shall refuse to open those ports upon the terms therein offered. The amendment proposes to strike out the interdiction, and leave the terms for their acceptance; but without any indication of the policy or principles which will govern the future conduct of this Government.

The question then submitted to the Senate is, Whether, under the existing state of things, we shall impose the interdict upon British vessels arriving from the Colonies, corresponding with their interdict upon American vessels?

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Mr. J. said, he found his labors and responsibility greatly increased by the course pursued by the gentleman from Maryland.

He had distinctly understood from him, that he approved the bill, and would support it; that he should have the sanction of his opinion and his aid in debate. You may judge my surprise, when I saw that gentleman rise to strike out the interdict from the bill, within a few minutes after conversing with him; and my astonishment is not diminished, by the extraordinary course of attack upon the bill, the report, and the administration, in a long, studied, and premeditated speech.

The gentleman seems to have undergone a very sudden and entire revolution; every thing is changed. The bill which he approved, has become very menacing in its character, and will be very offensive in its operation. The report is characterized

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as a sort of declaration of war. Now, after reading both, he had said, he should support the bill, and he even said he had seen the President, and that he found that he understood the subject right. I was very happy to find myself sustained by the high authority which he referred to ; but I did not anticipate that that interview with the Executive would end at last in an open accusation of ignorance and negligence of the rights and interests of the country.

The report is now pronounced very provoking, and will be considered in England as the act of the Government. Mr. J. said he believed these things are well understood in England. They would know that this was merely the exposé of a Committee, and that it derives all its authority from the truth of the facts, and the force of the arguments. It was the object of the report, to be temperate in its language, conciliatory in its manner, moderate in its terms, liberal in its views—but firm and fixed in its purpose. The Committee had no morbid delicacy. They stated in clear terms and perhaps strong language, the rights of the country, and the pretensions of Great Britain. But they knew the difference between rude and offensive epithets, and the manly expression of the national feeling, with the force and the dignity which the occasion required.

The gentleman has said, that the report and bill ought to have been submitted to the Executive. To what can such doctrines lead, but to render this Government a machine to be moved up and let down by a spring, to be touched by the finger of one man ?

There is now an existing law, which imposes on the President the obligation of declaring that the Colonial ports are closed to our vessels, and, on the annunciation of that fact, the laws of 1818 and 1820 revive by the force of law. The President, anxious to do what the public interest and the public will require, has submitted the subject to Congress, to ascertain if it is their disposition to change the existing state of the law ; and now it is thought we should go back to inquire of him what ought to be done. What aid can be derived from our local knowledge, our opinions, or our advice ? Of what use is a legislative body, if we shrink from our duty to avoid the responsibility, and refer every thing to him. The pride of station, and the dignity of a Senator, will not permit me to take my opinions in that way, or to commit the fortune and destiny of the country to any man ; and if we did, we should turn round hereafter upon the President, as the gentleman has done in this debate, and accuse him of being the author of our laws, and hold him responsible for the consequences. He now denies that he had any knowledge of the law of 1823 ; that the bill was drawn by the then Secretary of State, passed through Congress without dis-

cussion. Where was he, when a subject of such importance was passed ? and when did he find out that that law was so injudicious ? How does he account for this to his constituents ?

This doctrine must resolve this Government into a single power.

The gentleman from Maryland has placed his amendment upon the ground that this country has been wrong in this matter, and that some act of conciliation is due from us. It will be my duty to vindicate the conduct of this Government, to justify the interdict, and to remark upon the conduct of the British Government, in relation to the time, manner, and circumstance, of their interdict.

It has been a settled maxim in our policy, since the foundation of the Government, to regulate our commercial intercourse with all nations, upon terms of equality and reciprocity ; to meet them in every act of friendship or hostility ; and to be governed by an exact scale of justice. I beg leave to refer to some of these principles. I read from Mr. Jefferson's commercial report in 1793, which contains the great system of reciprocity for the government of our intercourse with foreign nations. It corresponds with the principles of Mr. Madison's resolutions. They contain the true republican doctrines of that day, and on which our commerce and navigation have been founded. They have been confirmed by time and practice, and have become the settled policy of the country, and from which we cannot depart without an abandonment of our principles. They will be found a sure guide in all times.

“But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations : nor are they likely to produce a relaxation of them.”

“Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens, for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But, if particular nations grasp at undue shares, and, more especially, if they *seize on the means of the United States, to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong*, defensive and protecting measures become necessa-

ry on the part of the nation whose marine resources are thus invaded."

"Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs."

"Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions."

"Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs, any vessel not built within their territories."

"Where a nation refuses to our vessels the carriage even of our own productions, to certain countries under their domination, we might refuse to theirs of every description, the carriage of the same productions to the same countries."

"The establishment of some of these principles by Great Britain, alone, has already lost us, in our commerce with that country and its possessions, between eight and nine hundred vessels, of near 40,000 tons burden, according to statements from official materials, in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy."

"It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence, and the firm will to use them."

I have consulted these principles in the present case. I have taken them for my guide. I believe it the imperious duty of those who direct the councils of this nation to preserve the rights, the character, and the dignity, of the nation, by an adherence to known and approved principles, and by following out to their results the maxims and truths of political science, which time and opinion have sanctioned. I beg the gentleman from Maryland to look to great principles, not to temporary expedients: to meet Great Britain in the true spirit of the nation; not by humiliating his country before her. Let him remember that submission never set bounds to encroachment; that free trade is not to be given for restriction and prohibition; and acquiescence will not obtain a relaxation of them. He will remember that these principles were violently opposed in their day, and by arguments not unlike those he has employed on this occasion.

We have heretofore acted on these principles. We have met her exclusion by non-intercourse: and if we now relax, if we fail to meet the crisis, if we do not now act on our known principles—we abandon our rights, and trust to favor

and conciliation to obtain what was never granted to moderation. You will sacrifice the principles of our policy, degrade the country, yield up the trade, and, with it, the power of controlling and coercing it—in the vain hope of operating on British magnanimity.

Having now shown the principles on which our system is founded, let us pursue the subject to see how the charge, which the gentleman has brought upon his own country, is sustained; and, for this purpose, I hope I shall be pardoned for the tediousness of this dry detail.

Among the first measures adopted by this Government for the protection of our navigation, was a duty of one dollar a ton on foreign vessels, and 10 per cent. additional to the duties on the merchandise imported in them. Our own vessels pay a tonnage duty of six cents. There is, therefore, a discrimination of 94 cents a ton, and the 10 per cent. on the duties, which foreign vessels pay over what is paid by American vessels. But, as this country was desirous of placing her commerce upon the most perfect equality with all nations who would adopt the same principle; authority was given to the President, by an act, in 1815, to remove this discrimination from the vessels of all Nations who would remove theirs from our vessels; and, accordingly, the vessels of all nations that admit ours on the same terms as their own, are admitted in our ports with the same charges as our vessels. In the Convention of 1815, Great Britain accepted these terms, so far as regarded her European possessions and four ports in the East Indies, but was unwilling to extend them to the West Indies and the North American possessions, and other places mentioned in this bill. In regard to these last, the right was reserved to each party to regulate the intercourse according to their own views of their own interest. It is the policy of Great Britain, although she has been obliged to abandon many of the pretensions which she claimed, and on which her navigation system was founded, still to maintain, not only the right to carry all the productions of her own dominions, but to enjoy all the benefit of the intercourse between her colonies and every other country, as if, in the present state of the world, any nation, and especially a maritime Nation, could permit her to trade with them upon such principles! And, as if the commerce which she rightfully enjoys, through her extensive Colonial possessions, with a fair participation in the commerce with every other country, was not enough to satisfy her ambition, she claimed the right to prohibit our intercourse with her Colonies, although the articles which constituted the commerce, were the productions of this country, and of indispensable necessity to them. The injustice of exercising this right, exclusively, and refusing any

share to the people by whose labor the commerce was created, was sensibly felt. The dread of the agricultural interest of any change which might endanger the loss of a market, they then enjoyed, rendered it exceedingly difficult to bring the public mind to the point of resistance. It was not until 1818, that a partial restriction was obtained ; but, in 1820, we imposed an absolute non-intercourse, the effect of which was to bring to the consideration of Great Britain the value of this trade to her, by making her feel the inconvenience of its loss. We then found we had the same right to say who should trade with our ports, as she had to say who should *not* trade with hers. It was soon found that little injury was experienced in our markets ; that our productions were immediately carried to all the other West Indies in our own vessels, and a new and active commerce opened to our citizens.

Let us see, then, if, up to the period of 1822, when Great Britain opened her ports, there could be any matter of complaint. For three years, from 1815 to 1818, she enjoyed exclusively the trade. From that time to 1820, her interdict remained, and we made only a partial attempt to retaliate. In that year, we were compelled to meet her by prohibitory regulations. In the state of non-intercourse which for two years succeeded, there is nothing but an effort to do ourselves justice, and to place our country upon an equality. The pretension of intruding into our ports, while our vessels are excluded from her ports, cannot be justified on any ground, nor tolerated on any principle. If Great Britain has a right to regulate the trade with her colonial ports, we have also the right to regulate the trade in our own productions. It is sufficient to say, that we offered her the utmost freedom of commercial intercourse, which she rejected, and met only by an absolute refusal to permit our vessels to enter her ports. The gentleman from Maryland (Mr. SMITH) justifies her on the ground of right, and asserts that this trade is a mere boon—a favor “which his Majesty grants.” A boon is something without equivalent ; and I know, said Mr. J., too well, the principle which governs nations, to believe that Great Britain opens her ports, or divides her commerce with any nation, as a matter of favor. It is a matter of interest or necessity. We do not complain that she closes her Colonial ports, but of that want of delicacy and reciprocity which permits her to do, in ours, what she refuses us to do in her own.

Up to this period, then, it seems there can be no ground of censure against the American Government.

It is sufficient for me to remark, without attempting to account for the motives or principles which governed her, that, in two years, she opened her ports. She had tried the experiment

how far agriculture could be sacrificed to navigation ; and how far and how long the Colonies could endure the pressure. They were oppressed by debt, and scarcely able to bear up under the direct competition of the other islands, more favorably situated. Their lands inferior, expenses greater, profits small and precarious, property sunk in value, and incapable of sustaining any additional weight.

In 1822, she partially opened her ports to us. She selected a few articles of primary necessity, which we were permitted to carry to her. She selected flour, biscuit, rice, live stock, and lumber, the particular articles which we were to furnish her, upon which to impose a duty equal to 20 per cent. on the price in our market ; and this trade was limited to a direct trade. In consideration of this restricted trade, our ports were opened to a direct intercourse with her Colonies, for all their productions. But, although she was careful to limit us to a direct trade, she immediately demanded not to be herself limited to the direct trade. Reciprocity was our only object. We intended to yield nothing, but to meet her fairly in every concession and restriction she might think it her interest to adopt. The claims of Great Britain were not so much in the spirit of encroachment, as in the spirit with which she watches and guards her interests, and the sagacity and ardor with which she pursues them. It is evident, that, having reluctantly yielded any part of the trade with her Colonies, she was not inattentive to the terms on which it was conceded. She looked, in this case, with that jealous vigilance to her interests, which has ever marked her course. She demanded, also, that the existing discriminating duty should be removed from their vessels, although, by their act, no discriminations or charges were removed, nor any evidence furnished that none existed ; and the British Minister was unwilling to give assurances on the subject. But the President not having power to repeal an existing law, unless they had furnished the evidence that no higher duties or charges existed in the colonial ports, on American vessels and merchandise, than on their own, a communication was immediately made to the British Minister, which Mr. J. said he would read, in order to shew the frankness and good disposition of this Government, in relation to this subject. [Here Mr. J. read the last paragraph of Mr. Adams's letter of 11th November, 1822.] It must not be forgotten that, during all the discussions on this subject, that there was a constant desire manifested on our part to open the trade, and to meet them on terms of reciprocity.

This subject came before Congress, and the act of 1823 was passed with great unanimity. That law gave the President power to remove the discriminating duty, on condition, in effect,

that no higher duties were imposed on our articles, than those coming from any other place. Here the ground was directly taken by the American Government, "all the branches concurring," that our discriminating duty was only a fair equivalent for the limited trade which she gave us, in a few articles burthened with a heavy duty. Each party was the judge of its own interests, and both, perhaps, equally well informed, and equally anxious to protect them.

It is acknowledged, that Great Britain had the right to open her ports, under any reservations ; it was ours, equally, to judge of them, and to prescribe the equivalent : whether her terms were liberal, or ours were equal ; whether both were too guarded, are matters of speculation. They were the deliberate acts of the two Governments. Great Britain had reserved the right to close her ports, and our law was passed under a direct menace that the right would be exercised ; and we also reserved to ourselves, the right to close our ports, when she should close hers. Not having closed them, she virtually accepted the provisions of our law, by laying a duty equal to our discriminating duty, upon American vessels, in order to countervail ours ; a measure, which was adopted, says Mr. Huskisson, "because it was the mildest, and because a disposition was manifested to negotiate."

The vessels of both nations paid the same discriminating duty. They paid it in our ports : we in their's. All our ports were open to their productions, paying the same duties as the same articles from any foreign country : their's were open to us, on the same terms ; both were limited to the direct trade. The mind cannot perceive a greater degree of equality, in terms. If we derived an undue share of the trade, it must be owing to circumstances—vessels better adapted to the trade, greater economy, a higher degree of activity and enterprise excited by competition, local position, and other causes.

But, the gentleman from Maryland, although he is now laboring to put us in the wrong, said, last session, that this state of things was most beneficial to Great Britain. Mr. J. read from his speech of last session : "But how are they (the ports) open ? Why, by our paying the enormous duty of 94 cents per ton, &c. on our vessels, and, I shall not be surprized, if they should consent that they should be kept open, by order in council, forever, on these terms. We pay to their revenue \$ 190, when they pay to our's only \$ 10 ; it is a simple financial operation." He says, also, (page 12,) "The retaliatory duty falls so heavily, that I am surprised they (our articles) are not carried in British ships alone." He says, (page 9) the act of Parliament of 1822, "opened their trade upon terms *more liberal* than heretofore, yet reserving many advantages."

I do not rely, said Mr. J. upon those opinions to prove that

the terms on which the trade was opened, were equal ; but it is a fair argument against the gentleman himself : and, if the terms seemed so favorable to him last year, how can he now put his own Government in the wrong ? How can he say we demanded too much, and accuse the Administration of sacrificing the interests of the country ? He was surprised, last year, how we carried a barrel of flour under the heavy discriminating duty imposed on our vessels. His object then seemed to be, as it now is, to put this Government in the wrong ; but then all the existing regulations were injurious, not to Great Britain, but to *ourselves* ; but now it is necessary to shew that the terms on which we opened the trade were unequal and disadvantageous to Great Britain, *in order to justify the interdict*, and the argument is changed. Then the gentleman said, the “countervailing duty fell on our agriculturists,” threatened our navigation with the loss of trade, and was, altogether, most unwise legislation. If the terms were so unfavorable to ourselves, how can he now justify the interdict on that ground ? I avail myself of these opinions, (which I shall shew to be *erroneous* before I sit down,) merely to answer him—“equal and opposing forces counteract each other.” Then it was the gentleman’s object to laud British statesmen. He said of one of them, (Mr. Huskisson, certainly of very liberal principles and enlarged views,) “That great man, and his colleagues, form the most able, the most wise, and most useful administration, that has ever existed in Great Britain. They are doing great good to commerce, great and useful services to the nation, and *opening the eyes of the world to the advantages of a free trade.*” Yes ! Great Britain *opening the eyes of the world to the advantages of a free trade!!*

Then, it was the gentleman’s object to exhibit the ruinous policy of this country, in regulating the Colonial trade ; now, he finds the British Government justified in interdicting the trade altogether, because the act of 1823 was a most unwise measure, and of which she had a right to complain.

Up to this period, then, both nations had regulated this trade according to their respective views of their own interests ; perhaps their regulations were somewhat unequal in operation ; but they were as nearly equal in terms, and reciprocal in privileges and charges, as they could be made. If there was any inequality in their operation, it must be ascribed to causes inherent in the nature of things, which the legislature cannot control. Laws cannot be made that will divide equally the navigation and commerce of two countries ; those who, by skill, industry, and economy, can carry for less price, will obtain the trade ; if we have any advantage it is that. Against such a law of nature there is no way to legislate, but by interdiction. Suppose Great Britain

undertakes to protect her navigation in the colonial trade ; what is the effect ? Her staple is sugar, which depends on a foreign market, where it meets with an active competition with the sugars of the other islands. If she pays a dollar a barrel duty on flour, and a like duty on every other article of consumption, for the benefit of Canada, while the other sugar colonies do not pay it, and we can carry those articles to them free of duty, and their sugars to Europe cheaper than the British are carried, does it not follow that the British sugars will be more heavily charged ? and that, being in a glutted market, (and all the sugar markets are glutted,) they must sink to the price at which the cheaper sugars can be sold ? This will fall on the islands ; they will be sacrificed to the primary policy of navigation, and to the like necessity of protecting Canada against foreign competition, at the expense of the other Colonies.

This state of things cannot exist in the present intelligent and active condition of the world. We had no right to ask Great Britain to take off the duty on flour and lumber, which operated injuriously to our agriculture ; and we did not. But it was a policy which we thought the interests of the West India Colonies required. But of that she is the judge. We thought the new lights, which British statesmen have since thrown upon free trade, would have made this error visible.

Mr. JOHNSTON said he concluded that, up to that time, there was no error, except a common error of restriction on both sides ; mutual error, arising from too much attention to the means of protection by law, of that which should be left only to the fair and open competition of skill and enterprise. The cord was drawn too tight. If the gentleman from Maryland has not made good his charge, let us pursue the subject, and see how the charge of neglect is sustained.

In 1824, the two Governments had a full conference in London on the Colonial relations. The British Government refused to yield either the duty on our productions, or to treat of the St. Lawrence question in this negotiation, with which it was most naturally connected, but most pertinaciously adhered to the exercise of her rights on both, while she insisted on the repeal of the discriminating duty. The propositions were mutually exchanged, and their's were referred to this country. It was still the same question ; and nothing had occurred to induce a change of opinion, or any change in the terms on which the trade was then established.

The occupations of the Department, during the necessary engagements of a short session of Congress, did not afford time for reflection and consultation, even if it had been proper to decide on these propositions which were to affect the legislative enactments of the country, pending a change of Administration, which took place in March, 1825.

When the Secretary of State came into office, he had great labor in making himself acquainted with the diplomatic relations, and preparing instructions for different negotiations. With Great Britain we had several points of great importance, on all of which instructions were to be furnished to our Minister, about to proceed to London. The documents were numerous, the duty highly responsible, and the greatest care and attention necessary to present our rights justly and fairly before him. They embraced the slave convention, the Northeastern boundary, the Northwestern coast, the navigation of the St. Lawrence, the colonial question, and some smaller points. Instructions were furnished on some of these subjects, and full powers given to treat of all. The Minister was directed to proceed to the negotiation of the slave convention first, being of most pressing urgency, as the Commission had found itself unable to proceed; and he was informed that instructions would follow for the adjustment of the Colonial question.

And here the gentleman will pardon me for saying, he has been wanting in candor and liberality. He knew that, when the present Secretary came into office, it became his duty to decide on the British proposition of 1824, and to frame his instructions accordingly. It was desirable to both countries that the question should be put at rest, but it was important to maintain the just rights of the nation; and, unwilling to act on his own judgment alone, or to compromise the public interest, he addressed a circular letter to the most distinguished commercial men, and among them to the gentleman himself; and I ask him if he does not know that the delay in drawing the instructions on this subject, arose from the desire of obtaining this information? and from the desire, too, of being able to meet the views of the British Government? and from the important interests which his decision involved? I could appeal to the gentleman late a member from Massachusetts, (Mr. LLOYD,) to the gentleman from Maine, (Mr. HOLMES,) and several others of both Houses, both for the interest and zeal manifested on this subject, and for the opinions then entertained by him.

The first letters from Mr. King, announced his own ill health, and the regret of Mr. Canning, that his indisposition rendered it necessary to leave town. It was not until the 26th September, 1825, that Mr. King had his first meeting with the Minister, and not until the 11th of November his presentation to the King.

But, on the 26th of September, the new acts of Parliament arrived here. No notice was given to this Government of the intended operation of the laws. It was not known whether they superseded the laws then in force, as regards the United

States, or were expected to do away the necessity of negotiation. This Government was left entirely in the dark, as to the views or wishes of the British Government. The laws themselves did not furnish a very satisfactory explanation on these points. The gentleman from Maryland says they are quite clear. They may be to him, but I can say they have cost me some labor to unravel them. There were three acts, embracing 130 sections. I read, attentively, the several laws, but I searched in vain for any repeal of the act of 1822, which regulated the trade with this country. It has been said, that it is repealed; but I venture to appeal to the gentleman from Maryland, and to ask him if he has yet found out how it is repealed? The learned Sir W. Scott, has given a decision in the case of the Jubilee, in conformity with an act no longer in force, and neither the learned Judge, nor his Counsel on the spot, having known it was repealed, for thought of searching for it in an act, which, it is now said, also repeals the act of 1822, entitled "an act to repeal the several laws of the customs."

In the act of the 27th June, 1825, I found that certain goods might be imported in the colonies from America, Europe, Asia, or Africa; but we had this right already by the law of 1822. But the right of Exportation was confined to *Europe, Asia, and Africa*, and in the vessels of the country to which the exportation was made. I could, therefore, find nothing in this act relating to us; I was, therefore, convinced the act was not intended to operate on us, or, in any way, to change the existing relations.

In the act of 5th July, 1825, "to regulate the trade of British possessions abroad," I found nothing relating to America except the 4th section, which says, "and whereas, by the law of navigation, foreign ships are permitted to import into any of the British possessions abroad from the countries to which they belong, &c. and to export goods from such possessions to be carried to any foreign country whatever." This reference to the law of navigation is neither by title nor date. The law enacted eight days preceding, did not include *America*, in the right to export to any foreign country, and I was ignorant to what law of navigation it had reference, unless to that last recited act. I had found nothing to satisfy me that the privileges of the act extended to this country.

In an act of the same day, "for the encouragement of British shipping and navigation," I was surprised to find that an act of that session, to repeal laws relating to the customs, had repealed the laws of navigation, and that, by that operation, all trade must be free that was not therein prohibited, as it had been previously *prohibited*, unless relaxed by special law?

I could not find the trade with the United States prohibited, and therefore inferred, that that act was the one alluded to, by which the right to export to foreign countries was granted to the United States.

In the absence of all information on the subject, some doubts were entertained of the construction of these laws. A letter was addressed to Mr. Vaughan, to inquire if American vessels were permitted, under that law, to export from the Colonies to any foreign country, and if the discriminating duty was *repealed*; to which he could give no satisfactory answer, having received no advice or instructions on the subject. Nor was it understood, whether, if we did not avail ourselves of the right to export to any foreign country granted in this bill, by placing them on the footing of the most favored nation, that the law would go into operation, and exclude us from the direct trade in which we were then engaged. There was a power left in the King and Council to extend those privileges to Nations who might not comply with the provisions of this law, which it was reasonable to believe were intended to apply to our case. Besides, this law, if put in operation, would close the ports of the North American possessions, which it is her interest, and has always been her policy, to keep open. But we now know, that these laws did not go into operation against us, except in one instance, which was revoked.

But, to the gentleman from Maryland, there was no difficulty in the laws; to him every thing was clear. The gentleman enjoyed the peculiar advantage, of which he has made so much in his speech, of not being a lawyer. His mind is not trammelled by professional learning. He marches boldly up to the question, assumes his premises, and jumps to his conclusions. The labor of research, and the patience of investigation, are equally unnecessary and unknown to him.

Besides these considerations, said Mr. J. the extent of the privileges claimed under the act of Parliament for placing them "on the footing of the most favored Nation," was not distinctly understood. If, by it, they expected to be placed on the footing of Guatemala and Denmark, who have a perfectly free trade, it could not be conceded to Great Britain, unless she made the same concession. The mere right, and the very doubtful right as to its effect, of carrying from the Colonies to Europe, could not be considered equivalent to the concession. Understood in the limited sense, there could be no objection, and there was none here to meet Great Britain on the terms proposed. The import of those words is distinctly known here, and it is presumed is so in England. But it was desirable to be explicit, and not to be involved in the interpretation of words. We have already had a tedious correspon-

dence with one foreign nation ; and, under the pretensions arising out of the construction of these expressions, our citizens find themselves deprived of an immense amount ; their property seized upon the Ocean under the most illegal decrees, either burnt, confiscated, or condemned, without judicial formality, and paid over to the French Treasury. And, when they demand indemnity for these robberies, which every nation has received, they are for years deferred under different pretences, and at last, this unfounded claim against the American Government is set up to defeat the just claims of our citizens. This lesson, which will be long and painfully remembered in this country, is sufficient to guard us against the danger of these expressions.

The Executive of the United States determined to accept the terms of the British Government, and it was believed here that no further difficulty could occur ; and the President says in his message, “ in the renewal of the diplomatic missions on both sides, between the two Governments, assurances have been given and received, of the continuance and increase of mutual confidence and cordiality, by which the adjustment of many points of difference has already been effected, and which affords the surest pledge for the ultimate satisfactory adjustment of those which will remain open, or may hereafter arise.”

The indisposition of Mr. King continued from his arrival until all expectation of his recovery, so as to be able to conduct the negotiation, was abandoned. This was so apparent, that the British Minister kindly invited us to send an adjunct Minister, to enable them to proceed with the Ministers then appointed, and preparing to treat on their part, on the important subjects then pending between the two Governments.

Mr. Gallatin was immediately designated, as a man most competent for this duty. He was consulted, and consented to engage in it. He was appointed, with full powers, furnished with instructions, and the British Government was notified that the instructions would arrive by the last of May, only two months from the date of the invitation. The British Government had seen that the causes of delay, during the last year, were beyond human control, and were as unforeseen as unavoidable. If Mr. King had been furnished with instructions, he could not have proceeded ; and if he could, he would have been so furnished in good time. If he had been instructed, they would not have been applicable to the new state of things, growing out of the acts of Parliament, passed about the time of his arrival ; and, if the Minister had been able to proceed to the negotiation, it was late in the Fall before their Ministers assembled for that purpose.

At the last session, a memorial, praying the removal of the

discriminating duty, was referred to the Committee of Commerce; who made a report declining legislation, because it was a proper subject for negotiation. A bill for that purpose was, however, introduced, but not acted on, for want of time; and, upon this, an attempt has been made to show that the Administration had prevented the passage of the bill, and various private conversations have been reported here to strengthen the impression. But the charge is as groundless as the other attempts to put this Government in the wrong.

When the gentleman from Maryland applied to the President and the Secretary of State, they both said it might be repealed; they made no objection; they did not dissuade him; they both told him there was no longer any difficulty in the adjustment of this affair with Great Britain; that the negotiations were about to be resumed. It was a mere question, whether it was better to give them this in advance, or to hold it in our hands until the negotiation. But they left him entirely at liberty; and he so stated it in his speech, last year. He said, "there was no difference on this subject, except as to the manner. The Committee of Commerce think it better to be done by negotiation." And he now says he took his measures with the approbation of the President, and the concurrence of the Secretary of State.

The Chairman of the Committee of Commerce also applied to the President and Secretary of State. They told him the discriminating duty might be repealed; but that, alone, would not meet the terms of the British act of Parliament, and would not supersede negotiation. They thought that a subject about which we had been for ten years legislating, ought to be finally closed by a treaty, which would embrace all the points, with regard to the extent of the trade, the duties and charges; and that the commercial rights of the nation ought to be fixed permanently, and not left to changing legislation. Besides which, the free navigation of the St. Lawrence, which was not provided for, was an object equally interesting, and ought to be connected with it. The repeal of the duty was not considered an object of any great moment.

Mr. JOHNSTON said, he had examined, with the greatest candor, all the transactions of 1824 and 1825, without being able to find any want of respect to Great Britain, any inattention to her rights or interests, or any neglect or indifference to our own; nothing by which the argument that has been resorted to, can be justified.

It must not be forgotten, that, during all these discussions, Great Britain has refused us the free right to navigate the St. Lawrence to the Ocean, while she is permitted to pass, with her merchandise, to Upper Canada, through our jurisdiction.

over the same waters. The effect of which is to place all the productions of the country bordering on the Lakes, under a charge very burthensome and oppressive, and almost prohibitory. The operation of this duty on flour, was very onerous on that part of our country especially. This Government attempted to connect the right of navigating that river, with the colonial question; but which the British Government continually refused. The discriminating duty was resorted to, in the first instance, because it was peculiarly necessary to take a stand in favor of the agricultural interests of these people. The American productions on the St. Lawrence and the Lakes, have not only the long voyage, and all the additional expense of freight and insurance, but they paid 105 cents a barrel duty, which brought those articles into market upon very unequal terms; and it was especially due to those people to remove, if possible, the duty on them. Mr. J. said, he would not here discuss the right of passing from the great inland seas, which belong equally to both nations, to the Ocean, the common property of all, through a Straight which connects them, and, especially as that Straight passes, at some points, through the territorial limits of the United States. If Great Britain shall be deaf to the great right of this passage under the laws of Nations, we shall be obliged to exercise the same power over her right of passage through the same waters within our territorial limits, and to divert our trade into an opposite direction. But all those restrictions are equally injurious, and oppressive, and vexatious, to all parties.

But the interest which this Government has manifested in the right of navigating the St. Lawrence, a right heretofore so valued by our people in that quarter, so essential to their happiness, is treated by the gentleman of Maryland in a very sneering and cavalier manner. He says it was a "laughable attempt," and that "he could have seen through the flimsy veil." The right of navigating the St. Lawrence to the Ocean is not a new subject. It has been claimed for several years, and frequent attempts have been made to secure it. It is a right founded in public law, gravely and zealously urged, and is still in discussion with the British Government. Whatever estimate he may form of it, or to whatever unworthy motives he may attribute the negotiation on the subject, if the gentleman had read the memorial from St. Lawrence, he would have seen the value of this privilege, and attribute the conduct of the Government to a proper sense of the rights and interests of those whom it concerns.

Mr. JOHNSON said, his duty obliged him to follow the remarks of the gentleman from Maryland, however tedious the details, or desultory the discussion might appear. To those

who understand the subject, it will be uninteresting ; to those who do not, it will be fatiguing, if not disgusting. My only resource is, to make my remarks as brief as is consistent with clearness. The gentleman says, " Mr. King having arrived in England, without being charged particularly on that point, (the British proposition,) the British Parliament passed their acts of the 27th of June, and two acts of the 5th July, 1825." He leaves the inference to be drawn, if the fact is not clearly expressed, that these acts of Parliament were passed in consequence of his not having instructions. Now, what is the fact ? The British Government gave us their propositions, which were referred to this Government late in 1824. A busy and eventful Winter succeeded; and, as soon as the new Administration was organized, a minister was despatched, who arrived the very day the first act passed. They did not wait for our answer, but created a new state of things, that would, in all probability, have superseded the instructions, if any had been given. But, when these laws passed, they could not have known any thing with regard to his instructions. It was three months, during which the minister was sick, before he had an interview with Mr. Canning ; and more than four months before his presentation, prior to which, the negotiations could not be resumed. It is, therefore, altogether gratuitous to say, the laws passed in consequence of the want of instructions. They are general laws, relating to the trade of the Colonies with all nations.

And here permit me to remark upon the extraordinary disclosure of the gentleman, with regard to these laws. He has stated that, at the last session, *having learned from the Secretary of State*, that the British Acts of Parliament were in his office, he went to see the President, and found that he had not seen them. The impression made on the minds of those who heard him, was, that he intended to fix on the Secretary of State and the Executive a gross and culpable neglect of their duty ; that the subject had excited no interest ; that the President was ignorant of the existence of these laws ; and that he had awakened the Government to the consideration of the subject. These laws had then been in the possession of the Government three months. I would appeal to the candor of the gentleman himself ; I would appeal to his knowledge of the fact, that the paper cases containing the foreign correspondence, are regularly carried to the President ; to the great interest he has always manifested in this subject ; to the indefatigable labor with which he devotes himself to all the duties of his station ; and I would ask him if he believes the President of the United States had no knowledge of those laws ?

The gentleman has drawn a very uncandid argument from the term ports. He cannot be ignorant that those ports allude especially to the enumerated ports, and *to no others*. To those ports, which, in consequence of having Custom-houses, and being ports of entry, admit vessels of other nations. It seems equally difficult to misconceive the meaning of the Committee in the House of Representatives, when they say we cannot be satisfied with a "few free ports, or places of depot."

Great Britain has opened this trade to the rest of the world, we cannot accept of less; we expect the trade with the usual places in her Colonies, in consideration of their trade with ours. We shall not be satisfied to have a free port at Halifax, and at Bermuda, as places of depot. We cannot accept of less than all the enumerated ports in the West Indies. If Great Britain should open the port of Halifax only, all the American productions for the West Indies, would concentrate there, from which port they would be transported in British vessels. We cannot, therefore, admit, in practice, a principle which would exclude our shipping from a due share of the trade in our own productions. This would be to permit ourselves to be circumvented by that "insidious policy" to which the gentleman alluded last session, and of the effect of which now, he seems to be entirely unconscious.

The gentleman from Maryland has made a great lamentation on the ruinous operation of the discriminating duty levied on American vessels in the British ports. This duty amounts to 15½ cents, estimated by the barrel; while the duty on importation amounts to 105 cents a barrel. The American Government made a firm stand against this latter onerous imposition, injurious alike to our agriculture and navigation. But the gentleman has stigmatized the efforts of the Administration to remove this tax upon our productions; while an exaction of one-sixth in amount, is magnified into a most ruinous effect upon the navigation. At the last session he said, page 7, "But how are the ports open? Why, by our paying the *enormous duty* of 94 cents per ton, &c. upon our vessels, and I shall not be much surprised if they should consent to be kept open forever on those terms." The duty of 105 cents a barrel on flour is nothing; but this enormous duty of 15½ cents a barrel (being levied as tonnage) is calculated to produce the most important effects upon our trade. In the same speech he says, page 11, "If then we were relieved from the *alien duties of impost and tonnage*, there can be little doubt our flour would go direct, and that two-thirds at least, perhaps three-fourths would be carried in American vessels: *even* under all these *disadvantages* it is *certain* that more than *ten* barrels of flour are exported to the colonies in American vessels, for *one* in British." But the gen-

tleman has complained of this also: he says "that we pay four-fifths of this duty;" "that we pay \$ 190, while they only pay ten; it is a mere financial calculation." He deprecates this ruinous state of things. It appears that, in spite of this enormous duty, our vessels enjoyed the carrying trade: that they carried our productions to British markets, while British vessels, free from this duty, could not. These articles there sell, of course, for enough to pay cost, freight, and charges; and, if British vessels did not pay the same in our ports, the reason is obvious.

The gentleman has gone much further, and said "the act of 1822 was every thing we could wish." It was limited to a direct trade "but did we complain?" We paid a heavy duty on flour, equal to 105 cents, and a similar duty on all other articles, and that *in cash*; but that was all right, and he seems to exult in the triumph over the Government, in having failed to accomplish the removal of this duty on our flour, live stock, and lumber—what he pronounces "to have been a very silly demand," and which they have surrendered as "untenable." But, as it regards the articles prohibited, he says it is a curious coincidence, that we prohibit the same articles by our duties. This is too palpable for serious refutation. He seems to suppose the trade perfectly reciprocal, because the *same* articles are prohibited. The articles they prohibit, we can furnish: the articles he supposes prohibited here, they cannot furnish. This is reciprocity in name—not in substance. But we have no prohibitions, and articles depending on a foreign market cannot be protected by our laws. The exportation of flour, beef, pork, tobacco, cotton, &c. is a proof that they do not require, and cannot receive, protection from our laws. No article is exported until the home market is supplied, and when in a foreign market, the protection is lost; and it is a political absurdity to suppose that any article which we export, is protected by a prohibitory duty at home.

The gentleman from Maryland has asserted, with his usual tone of confidence, that there were no discriminating duties in the British Colonies.

We know that, in 1822, orders were issued to the customs in the Colonial ports, to equalize the duties, and charges, and fees, on American and British vessels; which would have been unnecessary if there had been no inequality. Their ports had been opened by proclamation, when their necessities required it; and it is probable that discriminations existed in favor of their own vessels. The Collector at Jamaica speaks of this order "as a new era in their commerce;" and says "it remains to see how it will work." This order was communicated to us late in that year.

The law of 1815 gave the President power to remove the duty on foreign vessels, whenever satisfied that no other or higher *duties* or *charges* were made on American vessels in their ports than on their own. The report stated that no satisfactory proof was furnished. It is now answered that there were no such duties to abolish. Then it was more easy to furnish the proof; but they refused to furnish it, or the pledge of the Government to the fact.

But he has attempted to fix upon the Cabinet a miserable sophism. He has misquoted the law of 1815, and then founded his argument upon his own error. He says the law of 1815 authorized the President to remove the discriminating duty from those nations who should *repeal* theirs; and then he involves them in the absurdity of deciding that, as the Colonies had no such duties to repeal, they did not come within the letter of the law. The answer is, that this is a misreading of the law.

By the law of 1815, "the repeal of the discriminating duties is to take effect in favor of any foreign nation, whenever the President of the United States *shall be satisfied* that the discriminating or countervailing duties of such foreign nations, so far as they operate to the disadvantage of the United States, have *been abolished*." No evidence was furnished before the session of the succeeding Congress, when his power ceased. If no duties of that kind existed, the fact was not known here, and the proof was more easily furnished: but, until it was furnished, the President had no power to remove ours.

I have adverted to this merely to show the importance of accuracy in facts in all public discussions; and the fallacy as well as the futility of all reasoning, however logical, founded on erroneous premises; and it evinces the high obligation of those who impute error, absurdity, or ignorance, to others, to be correct themselves in their facts, and clear in their inferences.

The report of the last session stated that an American vessel, arriving at a bad market, cannot proceed to another island without paying double duties, and that onerous and heavy duties and Colonial fees are exacted: to which the gentleman from Maryland then replied, "it is true, sir, that onerous and heavy duties and colonial fees had been exacted in the Colonies, and operated as stated in the report." The fact is now unimportant, and I will not waste time in pursuing it.

Mr. Adams says to Mr. Canning, "that other charges and even duties, discriminating to the disadvantage of the United States, have continued to be levied in several of the enumerated ports, until a late period."

An accidental error in the report, which states that the ex-

port duty of 4 per cent. was levied by the act which imposed the duty on importation, has been seized on, as if the act in which the duty was imposed, was the point in dispute. The existence of the duty, no matter when levied, was the material part of the fact ; and it is now said that these export duties and charges are equally levied on British as on American vessels. They are, notwithstanding, onerous on commerce. Trade can only be profitably carried on with a freight both ways ; but, if the export duty, and other charges, prevent the British sugars from arriving in our ports on equal terms with other sugars, it follows, that they cannot be brought here ; or, if brought, with a loss equal to those charges. And this is the real state of the case. All the return cargoes are losing voyages ; and therefore it is, that, of five millions of dollars of sugars which we import, only \$ 158,000 are British sugars ; and nearly one-half of the value of our exports (deducting ashes, and other articles that go to Europe) is sent back in gold and silver, and in both ways the freight on the return voyage is lost.

The gentleman from Maryland has also said, that, by the existing regulations, our productions are admitted into Canada free of duty, and that they pay only one shilling a barrel on flour, when imported into the West Indies. I apprehend he is entirely mistaken so far as the law operates. Flour, smuggled into Canada, and shipped as British flour, will no doubt escape the duty, but American flour pays the duty in Canada. It is true it may be deposited at the warehouse at Quebec, but all articles pay the duty when delivered from the warehouse ; and these being imported into the British Islands, pay only one shilling duty on importations there from a warehouse. This is made manifest by a memorial from the St. Lawrence now on the table ; in which, on the 1st of January last, they complain that the duties are prohibitory and ruinous to their trade. Masts, timber, and ashes, are admitted to go to the United Kingdom, and beef and pork to Newfoundland, as if from Canada. It would be a very wise policy in Great Britain to draw all the trade of the St. Lawrence and the lakes into the sphere of her commerce. In the first place, it would supply her Colonies ; it would carry the trade through her towns ; give the transportation to her shipping ; and open an extensive commerce for the supply of the whole of the country depending on the St. Lawrence and the lakes. She has, however, hitherto refused to treat on the right of navigating that river from the lakes to the ocean, for reasons peculiar, but no doubt satisfactory to herself.

The gentleman from Maryland has ridiculed the idea of our consoling ourselves with a new trade, that will compensate for

the loss of the British Colonial trade. Has not an extensive and lucrative trade opened with all the South American States, and is it not constantly and rapidly increasing? Will not the vessels, thrown out of the trade with the Colonies, engage in new enterprises? Will they not every where come in competition with British ships? Does he imagine that American genius and enterprise are exhausted? that all the sources of trade and all the avenues of commerce are explored? Does he believe that the nation which can navigate with the least expense, that can overcome all competition, has already arrived at its ultimatum? that our tonnage will not increase, and our commerce expand? Does he not know that any obstruction of this intercourse, will divert this trade into a new direction, and that not the least sensible effect will be produced in our markets, or in the tonnage employed? There is a great probability that both will be increased. Provisions rose, in Barbadoes, one hundred per cent., on the day the interdict took effect, in certain anticipation that our interdict would follow, as a matter of course. We may confidently rely upon the sagacity and enterprise of our people, to push their fortunes wherever a sail is seen, or a dollar is made: and if we have the wisdom and the firmness to close our ports upon British vessels, so far as to prevent them from carrying our productions to their colonies, they will be carried in our vessels with increased profit, and will be consumed in the Colonies at very high advances, and with ruinous effect upon their trade, as well as injury to their shipping.

The gentleman has animadverted upon the bill, and, in speaking of its limitation to vessels by sea, he says "it creates a terror in his mind he dare not express." He has greatly exaggerated the danger, as well as misconceived the operation of the bill, and the nature of the trade. Mr. J. remarked that he had, on several occasions, said, that there was great diversity of opinion with regard to the extent of the interdict; that he had reported the bill in this form, under the impression that it corresponded with the bill of the House of Representatives; that he had since heard that they had stricken it out, but of which they had not notified him; that he considered that question as open to amendment. He had distinctly stated to the House, that he was in favor of an entire interdict, embracing all Canada, for the same reason that he was in favor of the interdict. He desired to make it effectual, by cutting off any indirect supply of the Colonies, by which they could evade our laws and sustain their new policy. He was moreover satisfied, that, by closing all communication, our trade would not be materially affected. It would take a new and circuitous course, in our vessels, to British Colonies.

There is, however, nothing in this bill to excite any terror in the mind. It is nothing more than the laws of 1818 and 1820, which were two years in operation without any serious consequences. The laws were enforced and obeyed. They were severely felt in the Colonies, and led to the act of 1822, which opened the ports. It is clear that the provisions of the bill will prevent any communication from any of the New England States with New Brunswick and Nova Scotia. Their ports cannot be approached but by water, and in violation of this law ; and it is much easier to prevent the shipment of bulky articles like flour and lumber, than to protect the revenue now from violations by smuggling. The temptation to introduce goods now, to avoid the duties, is one hundred-fold greater than to transport lumber and flour to the ports of St. John's or Halifax. It is well known that the New England States have no flour for exportation, and that, if any flour was sent in this illicit and exposed route, it would be the flour of the Middle States, which our vessels would carry there ; which is better than the present state of things, by which we are forbidden to carry our productions, and the British vessels allowed to go with them direct to the Colonies.

As to Canada, it will be seen that she will profit very little by the flour trade. The ports will be closed with ice by November, and will not be again open until May ; her flour could not arrive before June in the Colonial markets, where it could not compete with the fresh flour daily arriving by other routes, with less charges of freight. But, by leaving Canada open for the present year, no injury could result, and next session will be time to close that, if it becomes necessary. It is further to be observed, that the principal trade with Canada is in ashes, masts, spars, &c. which are not intended for the Colonial trade, but which go direct to England, and which it could not be our policy to prevent, and which, until the Oswego Canal is finished, cannot find an outlet in any other way. Although I prefer an absolute and entire interdict of all commerce co-extensive with the object, yet, I confess, that I see no danger in the bill, and am utterly at a loss to imagine the cause of the *terror* which he *cannot express*.

In the course of another year, this entire interdict will effect an important revolution in the commerce of the Lake country, and will be attended with effects highly favorable to the commerce and navigation of this country.

As soon as the prohibition takes effect, and the Canal from Oswego to the New York Canal opens the communication from Lake Ontario to the Hudson, all the trade of that country will take the direction of New York ; we shall bring all our productions within the sphere of our commerce, and concentrate it

in the great Northern emporium. Even when the interdict is removed, we shall find canals more safe than the dangerous rapids of the St. Lawrence ; the expense less ; the route to Europe and the West Indies shorter ; a more steady and ample market ; and a cheaper supply for the consumption of the interior. We have been heretofore induced to give great importance to the right to navigate that river ; but, if the hopes now created by the canals in operation are realized, it will equally comport with the interests of individuals, and the protection of our own institutions, by drawing our productions into our own channels, and holding at command our own resources.

The gentleman has said, that the point so long contended for, had been given up.

Mr. J. said, the Secretary of State had, in 1825, sought information from the highest sources ; but, before any communication was made with regard to the British proposition of 1824, the acts of Parliament arrived ; so that, on that subject, whatever opinions were entertained here with regard to those proposals, no answer was given, and, consequently, no point was given up.

But the British Government superseded the necessity of deciding that question by their acts of 1825, by which they opened the Colonial ports, and permitted American vessels to enter on the same terms as her own, and to carry her *productions to any foreign country* whatever. The Government of the United States determined to accept the terms. It was all they could expect or wish. They saw no further difficulty in relation to this subject. They thought this concession on the part of Great Britain, was made in the spirit of those liberal ideas she had lately professed. It was every where thought that the extent of this concession on the part of Great Britain was equivalent to the circuitous voyage and the removal of the discriminating duties. There was then, and still are, men, who believe the right to make the triple voyage is a dangerous experiment to the shipping interest ; but the better opinion seems to be, that we may engage in a fair competition with her, and that we ought not to hesitate to meet her on fair and liberal terms. This became the settled opinion of the Administration, of which the gentleman was fully informed in the most unreserved communications with them.

The gentleman has gone out of his way to pass a general and indiscriminate censure upon the several Administrations of the country, neither warranted by the facts nor illustrative of his argument. He says “ we have lost in all our treaties with Great Britain.” He has entered into detail, and ascribes it openly “ to the want of information.” It happens, however, that these treaties have been negotiated by a succession of the ablest men—

the elder Mr. Adams, Mr. Jay, Mr. Monroe, the President, Mr. Clay, Mr. Gallatin, and others. We have also had at that Court Mr. Pinckney, a profound scholar, an able jurist, an orator, and a statesman ; and yet the want of information is publicly ascribed in this place, as the apology for the treaties, by which it is alleged we have lost on every occasion with Great Britain.

Perhaps no country has furnished such an illustrious example of great ability in the diplomatic line. We have in that list names the most distinguished in the age in which we live, and almost all who have added to the glory of the country. We have Franklin, Adams, Jefferson, Ellsworth, Jay, Marshall, Monroe, King, Pinckney, Adams, Clay, Crawford, Gallatin, and many others of great distinction. Four of them have attained the highest honors of their country ; three have stood at the head of the Federal Judiciary ; and all of them, except one, in the highest ranks of that profession, to which the gentleman found it necessary to make particular allusion.

This severe reflection, altogether undeserved and unnecessary, upon the result of our diplomatic intercourse with Great Britain, is an appropriate counterpart to the high drawn panegyric pronounced last Winter upon the British cabinet.

The treaty of 1794 was negotiated by Mr. Jay, a patriot and a statesman. It was approved by the Senate, and ratified by President Washington. Much opposition was created, at the time, to the terms of the treaty, in consequence of our political relations and feelings towards the two great belligerents ; but a more favorable opinion has since been pronounced.

The right of trading with the Colonies in the West Indies was conceded, in vessels of 70 tons, and with a promise that, at the end of the war, they would extend the privilege. This proves that the right to trade with the Colonies was a subject of treaty stipulation, and of negotiation, as early as 1794. This, the gentleman says, was an important concession, and ought to have been accepted. But there were men then, who thought these terms unequal, and rejected the 12th article. It was not then considered a boon, granted without equivalent ; but as a question, how far the limited trade to the Islands was a just equivalent for the free admission into our ports.

By the same treaty, our vessels had admission into all the East India ports, but paid a discriminating duty. By the Convention of 1815, we were admitted into four of the largest ports, which were quite sufficient for our commerce, and on the same terms, and paying the same duties and charges as British vessels. This treaty was every where acceptable ; and there is no doubt that the present trade, freed from discriminating duties, is more beneficial than a trade with all the East India

ports, paying that duty. I see nothing in all this, to justify the broad assertions, *of want of information*, and of losing in all our treaties with Great Britain; and there is a striking inconsistency in employing this argument now, in order to induce us to yield still more to the claims of Great Britain.

But, sir, said Mr. J. I remember to have heard it said, at the time, that we were peculiarly happy in the selection of the Ministers at Ghent. It was a matter of some pride to our country, but of which it is invidious now to speak. But it was a subject of remark in the British Parliament. The Marquis of Wellesley said, "that, in his opinion, the American Commissioners had shown the most astonishing superiority over the British, during the whole of the correspondence."

I have now traced the two Governments through all the transactions connected with this subject. I can find nothing to diminish my confidence in the justice and liberality of my own Government; and I do not envy the gentleman the ungracious task he has undertaken of putting his own country in the wrong—a task that must be painful to his pride and patriotism, in proportion as he may esteem himself successful in the effort.

It is said that an interdict contains a menace, and that Great Britain will not act under such a measure of coercion. The interdiction is the natural state of things, and the necessary consequence of her own acts. We have been perpetually excluded from the colonies by the ordinary laws of navigation, which was by no means offensive to us. When she has opened these ports, it has been known to be an exception to a system of exclusion. It has been equally well settled, that our ports are open, and our trade free, unless an exception is adopted, to operate on those who deny us the same privileges. The principle by which we have been governed is, "that, where any nation may refuse to the vessels of the United States a carriage of the produce or manufacture thereof, while such produce or manufactures are admitted by it in its own vessels, it would be just to make the restrictions reciprocal."

Great Britain has, while repealing her navigation laws, and opening the Colonial ports to the rest of the world, reverted to the exclusion of our vessels. She knew that, by a standing law of this country, the President had power, and it was made his duty, to close our ports whenever they closed theirs. It was the natural and necessary effect of this measure. If it is viewed as a menace, it has existed since 1823, and would require an act of legislation to prevent its operation. But, with a desire to prevent any collision, and to avoid offensive retaliation, we propose to suspend the operation of this law, and to postpone the execution of the interdict, until the 30th of September, and longer, if you will. Great Britain will see in this, our mode-

ration ; we offer her the most liberal terms ; all that she has ever demanded. The causes of any delay will be explained ; full time is afforded to determine on her course, but with a perfect knowledge that the interdict is only suspended.

We all agree that the terms are liberal ; that we have nothing more to tender to her ; that we will not permit any nation to trade to our ports from any ports closed against us ; and that, if she refuses, the interdict must follow. It is a question of time ; my own opinion was, and it is unchanged, that the interdiction should have followed instantly upon theirs ; their Colonies would have instantly felt its effect ; while our trade would have suffered little from the derangement. Our vessels would have merely changed the direction of their voyage.

By the amendment, our ports are left open during the whole of this year to British vessels ; they will consequently supply their Colonies, and deprive our vessels of that trade, as well as the trade which would have naturally risen up on the suppression of the direct trade. Our vessels will, therefore, be thrown out of employment, or compelled to find some new object of pursuit. On the first of January, their Colonies will be supplied for six months ; at the expiration of which period, they will receive the supplies of Canada ; and two years will elapse before they will, in any way, feel the effect of the interdict : in the mean time, our vessels, engaged in this trade, will have been thrown out of service, or entered on other pursuits, and considerable time will be required to enter again into the competition with those regularly established in it. In fine, the postponement for one year, is nearly equivalent to the entire loss, and is equally an abandonment of our principles and our interest.

The interdict merely proposes to do, prospectively, what Great Britain has already done : it proposes to postpone the operation of a positive law for six months, from motives of respect to her. This is not enough. We must humiliate the country, confess our errors, withdraw our interdict, and make our submission.

Great Britain has placed herself where she was in 1818—claiming to carry on all the trade from this country to her colonies. We stand with our ports open, as by the law of 1823 ; and we propose to do now what we did under like circumstances in 1818 and 1820. The proposition of the amendment is to refuse to take the same ground, and to act upon the same principles. It is a retrograde movement—a sacrifice of principle to temporary expedients, and is marked by a want of consistency and firmness.

Our ports were left open from 1815 to 1818. It produced no relaxation of her stern policy. We were compelled then

to resort to defensive measures ; and what was the result of that experiment ? It produced the deepest distress, and threatened the ruin of the Colonies. Memorials were, in 1822, addressed to Parliament, representing in the strongest terms the condition to which they were reduced. They attributed their distress chiefly to the interruption of their commerce with the United States, the loss of an extensive market for exchange, and the advanced price of provisions. They say the sugar colonies are dependent on the United States for supplies of dry provisions, staves, and lumber.

The Assembly of Jamaica said, "our supplies from the United States of lumber and provisions, which are essentially serviceable to aid the natural defects or the failures of our climate and soil, are straightened by the total interruption of that trade. The regulated and limited commerce which the laws of trade and navigation permitted in British ships, is denied to us by the retaliatory system of the United States. Provisions, the growth of the United States, travel to us, when introduced, by a double voyage, and at an expense unnecessarily enhanced by this policy. The subjects of your Majesty are stinted in their supplies, and are taxed, while the benefit is conferred on the ships of Spain and America, and on Spanish ports. A new system of intercourse, upon the basis of mutual benefit, permitting the importation in American bottoms of the products of the United States, and the export of our staple commodities in return, would afford an important relief to the distresses of your Majesty's Colonies, and open to British ships a trade from which they are now excluded."

Such would now be the condition of those Islands. It is painful to contemplate it ; but it is a necessary measure of self-defence and self-respect. Let us not flatter ourselves with the impotent attempt to soothe Great Britain into compliance. She must feel the pressure, and yield to the necessity.

But is there nothing in this interdict, which peculiarly calls for retaliation ? It is marked by a total want of delicacy towards our Minister, and of respect to the country ; and is distinguished by peculiar circumstances of aggravation. Great Britain knew, that, after the laws of 1825 were received here, there remained no longer any difficulty between us, and that those laws would form a basis of a treaty equally acceptable to both countries. They might have seen that in the President's message, which was clear and explicit ; they would have seen that in the report of the Committee of Commerce, and in the speech of the gentleman from Maryland. There was no difference of opinion here with regard to the terms of the intercourse. From the moment it was known that the Colonial ports were to be opened, and that we were permitted to carry their productions to any foreign place, and to pay only the

same charges as British vessels, there was but one opinion *here*: that we ought to give her the circuitous voyage, and admit her vessels on the same terms as our own. The only difference was, as to the mode. The Government thought the object could be better attained and established on a more durable basis by treaty, than by mere acts of legislation. The mode must have been indifferent to Great Britain. She knew that Mr. King was unable to conduct the negotiation; that Mr. Gallatin had been appointed with the least delay; that she had herself invited us, in March, 1826, to send an additional Minister; that Mr. Gallatin would be fully instructed, and would arrive in June, before the date of the Order in Council. They had seen the delay was accidental, and unavoidable. They had not expressed any dissatisfaction with the state of the trade, or any impatience at the delay. They made no communication to this Government, either with regard to the laws, or the anticipated interdict; and two days after the arrival of our Minister, fully instructed to treat, upon terms perfectly liberal and equal, this interdict is thrown in his face, without explanation or apology. There is in this transaction an utter want of respect to the country, and a deviation from customary usage and courtesy, and without example in the intercourse of friendly nations. I cannot speak of the tone and bearing of the subsequent communications, without indulging feelings which would betray me into expressions which delicacy forbids me to utter here. In looking back upon this transaction, I can see nothing to account for this sudden and unexpected change in her policy, or apologize for the abruptness with which she has closed the negotiation, and, consequently, nothing to induce us to withhold the interdict.

It is said the motive of her conduct lies deeper—that she has other and higher aims. Whatever may be her real or avowed object, our principles demand of us to do to others as they do to us.

Mr. JOHNSTON said he had passed rapidly over the several topics which have been drawn into this debate. These details and this retrospect have been necessary; they may be useful; but no talent can render them interesting.

A short recapitulation will present the subject in a narrow point of view.

For seven years from the treaty of peace, Great Britain practised upon a principle untenable and inadmissible, to which our opposition was a necessary and proper measure of self-defence.

In 1822, both opened their ports, upon terms deemed reciprocal, although under restrictions and discriminations. They were deemed reciprocal because it was not known here that their duties and charges were equalized. And no proof was offer-

ed to that effect, until after the meeting of the succeeding Congress, when the power of the President over this subject ceased. In March, 1825, we passed our law opening a *direct* trade, exactly corresponding with a similar limitation in their law, and, therefore, perfectly equal and reciprocal. We continued the discriminating duty on their vessels, in consequence of the excessive duties on our productions. But, on the receipt of our law, (in June,) they imposed a discriminating duty on our vessels, equal to, and intended to countervail, ours. The trade was then placed on an equal footing; but it is clear that the discriminating duty did not operate injuriously to G. Britain.

The American vessels, which carried four-fifths of all the productions of the West Indies, paid the duty there, and, consequently, the removal of the duty would have placed them in a better situation, and would not have been more favorable to the British navigation.

As to the vessels arriving in our ports from the Colonies, it has been shown, that even our vessels cannot profitably engage in it; all the return voyages, owing to the condition of the Islands and their staples, are attended with certain loss, and one half return with specie and in ballast. So that, in fact, the discriminating duty had no effect.

In 1825, Great Britain removed her discriminating duty, and gave a wider range to our commerce, by permitting us to go from the Colonies to *any foreign place*, by which she entitled herself to the corresponding right in our ports and to the removal of our discriminating duties; and a treaty would doubtless have been formed on this principle, if Great Britain had not herself interrupted the trade by her interdict, and the negotiations by her peremptory decision; which leaves us no alternative, but submission or interdiction; and I have shown, that the latter is demanded by our interest, our principles, and our honor.

It is hoped that juster views, and more amicable sentiments will lead to a speedy adjustment of the commercial rights and interests of both Nations, on terms equally satisfactory and beneficial.

There are causes now operating, and elements now combining in the political world, which will produce new principles of action and organization, and lead to events of greatest magnitude, and of deepest import to Europe and America; in which it may be peculiarly interesting to Great Britain and this Country, to have no points of collision.

Mr. J. concluded that the interdict is in accordance with the known principles and practice of this Government. It imports nothing menacing or offensive certainly, to those who have applied it to us, and he therefore hoped the amendment would not prevail.

